

**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

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Enforcement Action

Dr. Robin Chang
Professional Geologist No. 5333
Certified Hydrogeologist No. 191

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500 to Dr. Robin Chang for violation of sections 7872(h) and 7860 of the Business and Professions Code and for violation of subsection 3065(a)(2), subsection (b)(1) and subsection (b)(3) of the California Code of Regulations (requiring a Professional Geologist to practice with competence and without misrepresentation).

Dr. Chang signed a report entitled "Preliminary Soil Investigation" for Del Mar Cleaners, 2644 Del Mar Heights Road, dated June 24, 2005, that was date-stamped received by the San Diego County Environmental Health Department on August 31, 2005. The aforementioned report professionally signed and stamped by Dr. Chang as "Dr. Robin Chang, P.H.D., Senior Geologist Senior California Registered Geologist" demonstrate that Dr. Chang professionally certified that he was in 'Responsible Charge' of the professional geologic work completed during the subsurface geologic characterization at the Del Mar Cleaners site and documented in the above-referenced report.

Geologic work apparently completed by Dr. Chang and documented in the aforementioned professionally signed and stamped June 24, 2005 report demonstrate that he took responsibility for maintaining professional responsible charge, constituting professional geologic practice in the State of California. In an e-mail communication of January 10, 2006 to Board enforcement staff Dr. Chang stated that "Since I (sic. Dr. Chang) did not maintain licensed professional responsibly for the report, I certainly did not maintain responsible charge for field works, data interpretation, and report preparation prior to my review/stamp on the report."

Title 16 CCR subsection 3065(a)(2) makes it a ground for disciplinary action for any registrant to fail to act with competence and reasonable care in applying the technical knowledge and skill which is ordinarily applied by registrants of good standing and under similar circumstances practicing in this state. Title 16 CCR subsection (b)(1) and subsection (b)(3) make it grounds for disciplinary action for any registrant to misrepresent or permit the misrepresentation of his professional affiliations or scope of responsibility while providing professional geologic services in the state of California.¹

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Dr. Chang agreed to pay the fine and the case was closed on February 9, 2006.

¹ The standard of practice of a Professional Geologist or Certified Hydrogeologist working under similar circumstances as described above requires that a reasonable professional maintain adequate responsible charge of unlicensed staff (including administrative project managers such as Registered Environmental Assessors or REA's) in order to insure that all substantive environmental interpretations and evaluations are conducted under clear and direct responsible charge of the California licensed professional. In this case, Dr. Chang's failure to maintain responsible charge of the REA II departed from the standard of practice of a Professional Geologist or Certified Hydrogeologist and constituted professional negligence and incompetence.